IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP NO.7784 of 2003
Date of Decision: 09-11-2006

Gurbaj Singh son of Shri Ajit Singh, resident of Dhanaula Road, Hari Nagar, Barnala, Tehsil Barnala, District Sangrur (Punjab)

.....Petitioner

VERSUS

1. Punjabi University, Patiala through its Registrar
2. Registrar, Punjabi University, Patiala
3. Smt.Pal Kaur, Newly recruited Peon, Punjabi University Patiala, through Registrar, Punjabi University, Patiala
4. Shri Lajpat, Newly recruited Peon, Punjabi University Patiala, through Registrar, Punjabi University, Patiala

.....Respondents

CORAM:- HON'BLE MR.JUSTICE K S GAREWAL
HON'BLE MR.JUSTICE R S MADAN

PRESENT: Mr. SK Sharma,Advocate
for the petitioner.

Mr.RL Sharma, Advocate
for the respondents.

R S MADAN, J.

The claim of the petitioner is that respondent No.1 has invited the applications for the posts of two Peons (handicapped) through the advertisement published in the "Punjabi Tribune" dated 31-7-2001 with the qualifications as mentioned in Annexure P1. The minimum education qualification was Middle pass with Punjabi as a subject. These posts were meant for handicapped persons, who were under an obligation to fulfil the following qualifications:

> *"1.The handicapped candidate shall have to produce medical certificate issued by the prescribed officer showing, disability of upper or lower region of the body which should atleast be 40% but she/he is fit for employment against the advertised post.*
>
> *2. The disability certificate issued by the following authorities has to be produced and the same must recite fitness for the advertised post.*
>
> *a) from Class 1 Medical Officer of any Government Medical Institute/ Hospital.*
>
> ***OR***
>
> *b) PMO/CMO/Civil Surgeon of the district, where the applicant permanently resides.*
>
> *3. The candidate must have passed Matriculation Examination with Punjabi or Punjabi Prabodh or Punjabi Praveshika. The candidates of States other than Punjab and Union Territory of Chandigarh, who have not studied Punjabi as a subject, shall have to pass Punjabi Prabodh examination of Department of languages, Punjab, Patiala before their interview."*

It is further the case of the petitioner that in pursuant to the said advertisement, he appeared for interview before the Registrar of the University-respondent No.2, who had selected respondents No.3 and 4 for the post of Peon.

The main grouse of the petitioner is that he himself is suffering from 60% disability as per the certificate of disability issued by the Civil Surgeon, Sangrur but he was not considered by respondent No.2 despite of the fact that he fulfils the eligibility criteria.

Upon notice, respondents appeared and two sets of written statements have been filed.

In written statement filed on behalf of respondents No.1 and 2, it was projected by way of preliminary submissions that the petitioner had applied for the post and was also interviewed for the same on 11-3-2002 and considered in the selection. However, the Selection Committee after holding the interviews recommended the names of respondents No.3 and 4. No allegations whatsoever have since been raised against the Selection Committee in the writ petition and he is not competent to challenge the selection. It was submitted that respondents No.3 and 4 were selected after due recommendations were made by the Selection Committee, which were later on approved by the Vice Chancellor. In fact, respondents No.3 and 4 had submitted their requisite handicapped certificates, which were issued by the Civil Surgeon, Patiala and they were selected only after the production of medical fitness certificate from the Senior Medical Officer, Punjabi University, Patiala. According to the disability certificate, respondent No.3 suffered from congental deformity of left foot with marked limitation of the movements of foot joint.

Her permanent disability was assessed as 40% by the Civil Surgeon, Patiala as is evident from Annexure R1. Similarly, respondent No.4, who was also examined by the Civil Surgeon, Patiala, is a case of PPRP Lt. Lower limb with 2" shortening. He is permanently found physically disabled with 60% disability as is evident from Annexure R2. Their mark-sheets have been placed on record as Annexures R3/1 and R4/1. After they were cleared by the Selection Committee, respondents No.3 and 4 were examined by the Senior Medical Officer of Punjabi University, Patiala, who after examining the candidates found the disability assessed by the Civil Surgeon, Patiala, to be correct. It was only thereafter when their medical certificates were received from the Senior Medical Officer of Punjabi University, Patiala, respondents No.3 and 4 were given the appointment.

The allegations of the petitioner that respondents No.3 was appointed on the recommendation of the Chief Minister, Punjab and respondent No.4 was appointed on the recommendation of the Governor of Punjab, are found to be baseless, unfounded and frivolous.

Keeping in view the fact that the petitioner was not found suitable and fit to be appointed as Peon under the handicapped category by the Selection Committee, no material irregularity or illegality has been found in the process of selection of respondents No.3 and 4. Hence, this writ petition being devoid of any merit is dismissed.

(R S MADAN)
JUDGE

(K S GAREWAL)
JUDGE

November 09, 2006
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